

12

SPEECH
OF
MR. HOFFMAN, OF N. Y.
ON THE PROPOSITION
TO AMEND THE CONSTITUTION
OF THE UNITED STATES,
RESPECTING THE
Election of President and Vice President.

DELIVERED IN THE HOUSE OF REPRESENTATIVES.

March 29, 1826.

The House being in Committee of the Whole, Mr. DWIGHT, of Massachusetts, in the Chair, on the following resolutions, offered by Mr. McDUFFIE, of South Carolina, viz :

“Resolved, That, for the purpose of electing the President and Vice President of the United States, the Constitution ought to be amended in such manner as will prevent the election of the aforesaid officers from devolving on Congress.

Resolved, That a uniform system of voting by Districts ought to be established in all the States, the number of Districts in each State to equal the number of Senators and Representatives to which such State may be entitled in Congress, and each District having one vote.

Resolved, That a select committee be appointed, with instructions to prepare and report a joint resolution, embracing the aforesaid objects.”

Mr. HOFFMAN, of New York, rose, and addressed the Committee as follows :

Mr. CHAIRMAN : On this important subject, I should prefer to remain silent. It is most easy ; and that indisposition, which has prevented me from hearing a considerable part of the debate, and the labor of body necessary to speak in this place, make that ease the more desirable. But, the State which I have the honor, in part, to represent, has, from her extent and population, a great interest in this question. In every part of the debate, she has been referred to with the utmost freedom. The judgment she has expressed upon the subject, and which is mine also, weighs heavily with me. Her institutions, her parties, her judgment, her interests, have been misunderstood, and misrepresented. All these circumstances concur, however reluctant I may feel, in obliging me to endeavor to correct the errors into which gentlemen have fallen, in relation to her parties, her institutions, her judgment, and above all, her SUBSTANTIAL INTERESTS, in this subject. I must therefore claim the indulgence of the Committee, while I express my views on the amendments contemplated.

In common with all the gentlemen who have preceded me in the debate, I heartily concur in the eulogies pronounced on the framers of the Constitution. They were patriot citizens, and worthy men, *and they have done good*. I will not praise the dead to censure the living ; and I know that their great excellence is best exhibited in their just regard for the rights of person and of property. In framing our political institutions, they earnestly sought to secure to the citizen such political privileges as should forever enable him, beyond the control of any other, to protect his civil liberty. Their good character expresses our duty. We must not shrink from the responsibility of our situation. Like them, we must examine into the state, the condition, and the wants of the society in which we live ; and if the advancement of the interest or happiness of the citizens of the States require it, we must propose proper amendments to the Constitution, according to its provisions. We must endeavor to perfect the work they so happily began ; and not disappoint the just expectation of our predecessors.

But, sir, two objections are interposed to this course. My honorable colleague, (Mr. STORRS,) in his conscientious zeal to oppose any amendment, has told us, that "the ground on which we tread is sacred," and that "the Convention who framed the Constitution *see med*

to have been inspired in their labors." This argument does not look like my honorable colleague. In principle, this argument seems more like a *priest* than a *statesman*; and if religion, and not policy, were to govern, I should not be disposed to adopt his conclusion. For, if any part of the Constitution is the result of inspiration, it is probably that part which provides for such amendments as may be found necessary. The doctrine of my colleague may be sanctioned by the political Pontiff and Cardinals of the day; but as it is contradicted by the history of the country, open to the inspection of all, it will be rejected by posterity, as a legend of 1826, the result of fraud or of fiction.

Akin to this, is the argument of the gentleman from Massachusetts, (Mr. EVERETT.) He tells us "it is unconstitutional to propose the contemplated amendments"—and he went into an argument to support this position. He seems to suppose that *some parts* of the Constitution, are *unessential*, without informing us by what rule we shall know them to be so. With these he admits we may *play*, and may amend them: but he denies that we can amend the Constitution in any of its *essential features*. I am unwilling to admit a doctrine which leaves it to the caprice of each individual, to say, this or that part of the Constitution is a material or immaterial characteristic of it. When he objects to us our oath to support the Constitution, he is well answered by those who reply, that the oath applies as well to the clause, making it the duty of Congress to propose amendments when necessary, as to any other part of the compact.

But as he may not be satisfied with this reply, and as I desire the aid of his eloquence and vote to procure this amend, I will urge upon his mind another consideration. The amendment is, or is not, necessary. If it is necessary to the security of the rights of the citizen, the prosperity of the several States, and the peace of the Union—admit that it is: Is it then unconstitutional to propose it? His argument goes the whole length to declare, that, however necessary the amendments may be, even if necessary to provide against Foreign invasion, or domestic evils—the amendments cannot be adopted. I cannot agree with him. Those parts of the Constitution which, in practice, operate on the person or property of the citizen, must always be *material*. We must amend it, whenever it operates injuriously to the personal liberty or personal security of the citizen, or to his right to private property—or renders them in the

least degree insecure ; and they can never be secured to him, but by securing to him a reasonable and proper share of political power to defend them.

When I find that the clause providing for amendments declares, that whenever two thirds of both Houses of Congress shall judge an amendment necessary and proper, they shall propose it to the States for adoption, I call upon the gentleman, to use his own words, "to stick to his bargain like a man"—He agreed to make all necessary amendments when he signed the Constitution. I ask him to waive this unfounded scruple, and to examine into the necessity of the amendments proposed. Are they necessary and proper?—And if he shall find them so, I ask him to give them his support.

With these remarks, I proceed to inquire, what part of the Constitution is now complained of, and has been for some time past? It is that part which provides for the election of President and Vice President of the U. States ; and when we examine how this election is conducted, we shall be convinced that amendments are necessary.

The first question that presents itself, is, how are the Electors of President and Vice President chosen? The Constitution, art. 2, cl. 2, declares, that "each State shall appoint in such manner as the Legislature thereof may direct, a number of Electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress."

On this subject it is proper to remark, that there may have been great reasons, at the time the convention considered the subject, for vesting this power of appointment in this particular manner. These reasons may now have ceased, and others may have grown up in the States, or in this Government, which require a change. Though gentlemen should deem the Constitution perfect when made, they cannot contend that it must be adhered to, unless they will also assert that there are no mutations in the affairs of human society.

The manner in which it was thought this appointment would generally be made, may be different from some others, the words would admit of. The Convention which framed, and the States who adopted, the Constitution, undoubtedly believed that the general practice under this clause would be, that the citizens of the States who were voters would, in some way, appoint the Presidential Electors. This is proved by the history of the times ; but it cannot be denied, that both the framers and adopters of the instrument, being many of

them excellent lawyers, knew the latitude of appointment allowed by this clause. It declares that "each *State* shall *appoint*," and this word "*appoint*" is a most material part of the clause. If any doubts could be raised on this subject, the clause should be liberally construed for the benefit of the States, who, as parties to the compact, reserve this right of appointment to themselves. If I had doubts, a regard to *State rights* would induce me to resolve them in favor of the State; and, I would say, the State may make the appointment, by *any* body of men in whom she may chuse, by law, to vest the power of *appointment*.

The argument of the gentleman from Va. (Mr. STEVENSON,) on this part of the subject, appeared to me to be perfectly satisfactory. He supported this construction of the clause in question, as well by the secret journal of the Convention, by the history of the opinions of those who adopted the Constitution, by the practice under it co-temporaneous with its adoption, as by the legal import of the clause itself; and the gentleman from Massachusetts, (Mr. EVERETT,) has added other important facts in the earliest history of the practice of the Constitution. After this reference to what they have said, I will not trespass on the patience of the Committee, by a detail of that practice, co-temporaneous with the Constitution. It is complete and perfect, to shew, that the States *may* make this appointment by the two Houses of the Legislature, or *any other body* of men in whom it may judge it proper to vest the power to appoint.

But some gentlemen suppose, that the Constitution was framed, (and I may add,) adopted by a *miracle*; I would ask, then, whether the *miracle* ceased to operate with the adoption? or, did it extend to the manner in which it was carried into practice? Of those who so liberally extol the wisdom of our predecessors, who framed and adopted this compact among the States, I would inquire, whether these great men lost all their wisdom, as soon as they came to act under the Constitution? These two classes of men, (I do not like the idea of a useless miracle, it appears like profanation,) will, I hope, be satisfied with the early practice of our wise predecessors.

But, if the question were a new one, if we had not the secret journal of the Convention, if, without any practice, we were now about to carry the Constitution into practice, there could be no reasonable doubt in giving a construction to the clause in question. If it be said that the Electors *must* be appointed by the People, and can-

not be appointed by the *Legislature*, then the question will occur; by what part, or by the whole of the citizens? by those of full age? or those who are minors? by the freehold voters of the State, authorized to vote for Senators and Governor? or by the voters, authorized to vote for the most numerous branch of the State Legislature? or by the voters in the primary assemblies of the People in their towns? For the State Constitutions were then existing; and in that of New York, were these different classes of voters. If the Convention intended that the *choice must* be made by the voters, would they have left it so wholly uncertain, by what class of voters the appointment should be made?

And especially, when, in a *preceding* clause, already framed, considered, and adopted, we find that, in providing for the choice of a Representative in Congress, the Convention are cautious, and specify, not only that he shall be *chosen* (not *appointed*) by the "*People of the States*," but also declare the qualification of the voters "*qualified*" to vote for the most numerous branch of the State Legislature."

Art. 1. cl. 1—"The House of Representatives shall "be composed of members *chosen* every second year by "the *People* of the several States; and the *Electors* in "each State shall have the *qualifications* requisite for "Electors of the most *numerous branch* of the State Legislature. A mode of expression which, while it specifies the qualification of the voter, and secures the choice to the People, excludes every other mode of making the choice of a representative. In the first clause of the third section of the same article, the Convention declare, "The Senate of the United States shall be composed of two Senators from each State, *chosen by the Legislature thereof*, for six years, and each Senator shall have one vote." This form of expression *obliges* the choice of United States' Senator, to be made by the *State Legislature*, and excludes every other mode of making such choice. When, looking into the Constitution, therefore, and seeing that, in these two antecedent clauses, the Convention have employed expressions so definite and specific, to secure to the *People* the *choice of Representative*, and to the *Legislature* the *choice of Senator*—if we do the Convention that common justice which we extend to every Legislature, on ordinary subjects, we must, when, in a subsequent part of the same instrument, they drop these peculiar expressions, and, adopting another more broad, and excluding no possible mode—believe that they well understood, when they

said, "Each State shall appoint, in such manner as the Legislature thereof may direct, so many Electors of President, &c. that the State might, in any manner, by any body of men whom it should designate by law, (and the Executives of most of the States have a strong negative in the passing of the law) make this appointment. They, no doubt, believed that it would, in general practice, be made in some way by the voters of the State; but they must have understood that it *could*, and *might*, be made in any other manner in which the State, in its judgment, might direct. If they did not intend that this *could be done*, why did they leave this appointment so unlimited in the manner, and yet so cautiously guard the choice of Representative and Senator?"

My colleague (Mr. STORRS) in his argument on this part of the subject, though he declares that this power to appoint Presidential Electors is a State right of great value to the State, and which she may vest in any man or body of men, even in the "direction of a bank," and which Congress cannot control; yet, adopting the doubt expressed by the gentleman from South Carolina, (Mr. McDUFFIE) whether the appointment can be made by the two Houses of a State Legislature, arrives at a conclusion different from that I have expressed, and to which his argument irresistibly leads. He declares that this power cannot be vested in, or exercised by, the *two Houses of the State Legislature*, and denounces the State Legislature of New York, who, under a then existing law, did exercise this power in 1824, as "usurpers." If, sir, this power to appoint Presidential Electors can be, (I know it *can*—I do not believe *it will be*,) vested in "*the Directors of a Bank*," as my colleague (Mr. STORRS) expressly asserts, I would ask, cannot the State vest this power to appoint, in the Governor and Senate? in the Senate itself? in the House of State Representatives? in a designated committee of both Houses? and surely in the two Houses of the State Legislature? It is difficult to resist this conclusion, if the power can be vested in, and exercised by, the *Directors of a Bank*. It would be as safe in the hands of the Legislature of the State.

But, sir, lest my colleague (Mr. STORRS) should not be satisfied with his own argument, or my conclusion from it, and, as I desire his aid and concurrence in procuring the amendments, I wish to call to the notice of my colleague and the committee, so much of the legislation of New York as relates to this subject. In *our State*, (my colleague, though not a native, is a citizen of the State,)

nothing can be better settled as matter of law on the highest authority, than the proposition for which I contend. Under the old Constitution, the Council of Revision was composed of the Governor, the Chancellor, and the Justices of the Supreme Court. They possessed a powerful negative on every bill; and in the theory and practice of the Government, were especially charged with the duty of permitting none to pass that might infringe upon the Constitution. Yet the law of that State, vesting in the two Houses of the State Legislature the power of appointing Presidential Electors, passed again and again under the severe scrutiny of the Council of Revision. The charge of *usurpation* made by my colleague, applies, if at all, (and I think not at all,) more strongly to those who *passed* the act, than to those who *acted* under it. It would include many Legislatures of that State. The Legislature of 1824 did not pass the act. They were, in the exercise of this power, the humble followers of the great men who had gone before them—the fathers and patriots of the State.

The first general act of that State, vesting this power to appoint Presidential Electors in the two Houses of the State Legislature, was passed April 12, 1792, when the Council of Revision consisted of George Clinton, the Governor, who knew the Constitution, and always did his duty, Robert Yates, John S. Hobart, John Lansing, Jr. and *Robert R. Livingston*, the last of whom, at least, was well informed of the nature and design of the Constitution. The bill became a law with the constitutional sanction of these great men and able lawyers. This bill was re-enacted March 26, 1796. *John Jay* was then Governor—and did he not understand the Constitution? The Judges just mentioned, with Morgan Lewis and Egbert Benson, composed the Council of Revision. But, sir, this bill was amended November 12, 1804, and the *Electoral College itself* was authorized to *supply any vacancies* which might happen from death or absence. This power to *supply vacancies*, is a power to *appoint*: and the College appointed by the Legislature, is empowered to *appoint* electors to supply the place of such as might be absent. Was this unconstitutional? Who were the Council of Revision? Morgan Lewis, who had been an able judge in the Supreme Court, was Governor; John Lansing, junior, an able lawyer, familiar with every thing relative to the Constitution, was Chancellor. The Justices of the Supreme Court were James Kent, a profound jurist and civilian, whose opinions will be respected as long as virtue is esteemed; Brockholst Liv-

ington, who has adorned the Bench of the Supreme Court of the Union; Smith Thompson, who now adorns that Bench; Ambrose Speacer, who, as a lawyer, had few equals and no superior; Daniel D. Tompkins, since known as a patriot, to every friend of his country. On a legal or constitutional question, the opinions of these men would weigh against the opinion of any body of men ever assembled in the Union. Another amendment was made to this act, May 12, 1812, and passed the review of the same Council, aided by Judge Yates, afterwards Governor of the State: and, March 5, 1813, the act, including the power to supply vacancies, was re-enacted, and received the constitutional sanction of the Council of Revision, whose names and character I have stated.

But, sir, these are not all who are reached by the denunciations of my colleague. On the 15th of March, 1825, the Legislature of that State, composed of the old Senate, who may not find favor with my colleague, and a House of Assembly, warm from the People, and composed mostly of patriots, elected in that triumph which returned my colleague to this House, after deliberation and debate, passed an *act* establishing the *district system* in that State, the adoption of which, while other States do not, my colleague declares to be "an act of political suicide." That act divides the State into electoral districts, and provides for the appointment of thirty-four Presidential electors, by the voters, and authorizes *this college*, so appointed, when met, not only to supply vacancies, but also to appoint two additional electors, never chosen by the People, corresponding with the two Senators of the State in the Congress of the United States. Governor Clinton had, throughout, recommended the general ticket system for the State, and opposed the district system for the State until the United States should establish it uniform throughout the Union. Opposed as he was to the policy of the act, it received the constitutional sanction of that able lawyer and statesman. If unconstitutional, would he not have interposed his veto? Would he not have discovered so fatal an objection to the bill? Is he, too, an "*usurper*?"

And I beg leave to call the attention of the Committee, and especially the gentleman from South Carolina, (Mr. McDUFFIE,) to this power of the college to *appoint substitutes* for absent electors. Is it not authorized in every State? Will not the confirmation of the gentleman's doubts destroy the rights of the States to provide for this contingency? If the elector *must* be chosen by

the voters of the State, the college cannot be empowered to appoint, either for absence or any other cause. Supported by the great authorities I have enumerated, I affirm, that there is no doubt but that the State may, under the Constitution, empower any body of men in whom it confides, to *appoint* these electors.

I have been thus careful to contend for this right of the States to appoint these electors, because, if the doubt of the gentleman from South Carolina, (Mr. McDUFFIE,) was well founded, and should be adopted, as my colleague (Mr. STORRS,) declares it well founded, as the true construction of this part of the Constitution, notwithstanding my colleague declares, that New York can concentrate her electoral vote by a general ticket, which I shall hereafter prove to be difficult, dangerous, and, probably, impossible, I might live to see the State from which I come bound a victim to ambition on the altar of this Government. A contrivance, not by an open caucus, but by an "informal conference," might, as in 1824, when a large part of her votes were given for the present incumbent, divide her colleges if appointed by the Legislature, or by any ticket, district or general. She may not be able to concentrate her electoral vote by a general ticket; but she can do it by a convention, to be chosen by the citizens for that purpose, with power to appoint her electors by a *plurality* of ballots. To her, therefore, if you will not amend your Constitution, this right is of the greatest importance. She *will* hold it.

But, sir, the New York Legislature, of 1824, were the humble followers of their predecessors. Were all "*usurpers*" who exercised this power of appointment? Let me ask my colleague (Mr. STORRS,) whether he will write as an epitaph, "*usurpers*," on the tombs of George Clinton, John Jay, Robert R. Livingston, Daniel D. Tompkins, and Brockholst Livingston? Will he *brand* with the ep taph of "*usurpers*," such men as Lansing, Benson, Yates, Thompson, Kent, and Spencer? Disgraceful as it may now be thought to read that Hartford Convention pamphlet, mentioned by my colleague, in which it was attempted to prove that *two men*, declared the late war—now I believe he calls it *glorious*, for the first time; yet, even such a reading would be less disgraceful than to write "*usurpers*" on the tombs of those great and good men. And I know such a reading would be more safe than to attempt to *brand* "*usurper*" on the foreheads of the men whose names I have last repeated, while they are living. These were no

"*usurpers.*" I shall hereafter state what was done. I again repeat, that it is the right of the State to appoint these electors in any manner her citizens may judge best, without adopting the opinion of those who declare, what they do not know, that the State can best concentrate her vote by a general ticket. Of the best mode to concentrate her vote, the citizens of the State will judge.

The next question in order is, how are the President and Vice President chosen? In one of two ways, provided for by amendment, article 12. Without detailing constitutional particulars, and contending about legal distinctions, we may assert, that this choice is made *by the People in their colleges*. This is the preferable and popular mode. It proceeds on the popular apportionment of political power in this House and the Senate. In the choice of the President, in this manner, the citizens of the respective States exercise the same share of political power which they do in the legislation of the Union. It is the favored mode, and placed first in order in the Constitution, and first in order in practice. The framers of the Constitution believed it would be the general practice under the Constitution; and the *States* who adopted it, and *their People*, in the exercise of their good sense, understood that the choice of the Executive would be made in this manner. Indeed, the practice under the Constitution has been uniformly such, and was never complained of. No one expected the contrary, and the gentleman from Connecticut (Mr. INGERSOLL) cited this practice as a proof that the design of its framers had been realized for more than thirty years. The contested election of Jefferson and Burr is not an exception; each had a majority of votes. Whether this will be so in future, deserves to be considered; but the history of the Constitution and of the country, prove, beyond the power of contradiction, that it was designed, and believed, that the choice, in practice, would be by the colleges, as the popular mode.

The second mode is by this House. If no election takes place in the colleges, then this House becomes an electoral college to elect a President from the three highest candidates. The delegation from each State has one vote. This is second in order, and resorted to only on the failure to make a choice in the more popular mode. It is justified by necessity, and it was believed that, in practice, it would rarely or never be resorted to. This mode has always been deemed odious,

and deprecated. No one ever dared to declare that he desired it. It was adopted from the necessity of providing for a possible contingency, deemed dangerous to the citizens of the respective States: for this Government was not then in being. But if, from circumstances, it has become, and will hereafter be, the common mode—and it seems to be admitted by almost all that it will—if this House must become, from term to term, the arena for the Presidential election; then, I must declare that this part of the Constitution has *entirely failed*. It was designed that the People, in their colleges, should elect a President; and can there be a more perfect failure of this design, than that the election should be made by this House? If this is to be the common practice, the necessity of an amendment is obvious.

What amendments, sir, are needed? What do the situation and necessities of the citizens of the States require? What are the amendments proposed? The resolutions upon your table seek to attain *two ends*. The first is to dispense with the electoral colleges, and to permit the voters in the several States to vote directly for President and Vice President; the second is, in practice, to keep the election out of this House—though in some unforeseen and extreme case, it may be politic, perhaps, to provide for its possible decision here. By what *means* do the resolutions seek to attain these ends? First, by the establishment of a system of districts, equal in political power. Second, that the qualified voters in these districts may vote directly for President and Vice President, and that the person having the greatest number of votes in a district, shall be deemed to have one vote—a majority of all the districts being necessary to a choice. And, thirdly, if no choice be made in this way, then to send back to the People, in their districts, the two highest candidates, and as many more, if any, as have as many votes as either of the two highest, for a second choice.

These are the *ends* to be attained, and the *means* to be employed by the amendment. Is the amendment safe? Is it necessary? Is it desired? I beg the attention of the committee, while I endeavor to show that it is. The amendments are one entire measure to attain the two ends desired.

Viewing the amendments, and contemplating the interests of the respective States, and their citizens, I contend, that they are safe; that they provide, in effect, what the Constitution ordained—that the Election should be decided by the People; that they will introduce no

new evil, and will remove many. I know they will not be perfect; but they will greatly improve the Constitution, and suit it to our condition.

I have before remarked, Mr. Chairman, that it was the design, and reasonable belief of those who proposed, and those who adopted the Constitution, that the People, in their colleges, would elect the President. This mode of making the choice is placed in the front, and stands first in the Constitution. If it had been designed that the election should come here, why has there not been some complaint, that the colleges decided the question for thirty years? When, in 1801, on the contingency of an equal number of votes between two candidates, each having a majority, the election did come into this House, the Constitution was amended, to prevent the recurrence of such an event. The amendment provided, not only against the possibility, from the old cause, of an equality of votes for two candidates, but, it also sought to concentrate the votes of the People in their colleges, by reducing from *five* to *three*, the number of candidates which can be returned to this House. This amendment was recommended by two-thirds of both Houses of Congress, and approved by three-fourths of the States; and shows how anxious the People of the States were to decide the election in their colleges, and how much they desired to keep it out of Congress. I will ask, too, sir, did not the friends of Mr. Jefferson feel that Congress, having once—not elected him, indeed, but having once decided the question between him and Mr. Burr—did not the friends of Mr. Jefferson believe, that, if, in the next contest, the election should again come into the House, he could not be re-elected? There is something, sir, in the moral sense of the People, which will forbid, and no Congress will dare, whatever their judgment might otherwise be, to elect, in a second election in this House, the man once before elected by them. The amendments proposed, bring back the Constitution to its former practice. All past experience is a practical commentary on the amendments, and proves them safe. You are now trying an experiment. This is the first administration ever formed by this House, acting as an electoral college. Is there any thing so far in this experiment, that makes it desirable? Why not go back to the old, safe, and tried practice? Is there any thing so flattering to the friends of this administration, as to make them anxious to push on, in this experiment? The old practice of choosing by the People in their colleges, gave you a Jefferson, Madison, and Monroe.—

Were they dangerous, or their administrations unsafe? Adopt the amendments, and call back the election to the old ground. It is certainly better than to go on with this untried experiment. The amendments will produce nothing new in practice—the People will decide the elections, as, heretofore, the People have decided them, in their colleges; and the whole past progress of the Government, under Presidents chosen by them, points us to the path of safety for the future.

The gentleman from Virginia, who spoke second in the debate, (Mr. STEVENSON) objects to one of these amendments. He supposes that, to district the States, will enfeeble the power of the State legislatures; and tells us, in his own forcible manner, that the State Legislatures are, by the Constitution, the sentinels of the liberties of the People, placed to warn against the encroachments of arbitrary power. This allegation, made in his eloquent manner, appeared like an argument—but it was *appearance* only; for, in a few minutes, by a statement, made in the same forcible manner, of the *facts* of history, he overthrew this theoretical supposition. When, in 1798, the legislatures of Kentucky and Virginia, seeing the approaches of arbitrary power seizing upon the vitals of the Constitution, called upon the legislatures of their sister States to aid in the defence of freedom, *seven* out of *nine* of these sentinels, *slept*. They replied, there is no danger—they deserted their post, and slept in the *enemy's camp*. “The Prætorian bands, (I correct the reading of my colleague, (Mr. STORRS,) enervated and debauched as they were, had yet sufficient force to awe the Roman populace; but when the distant legions took the alarm, they marched to Rome and gave away the Empire.” Yes, sir, the State legislatures slept in the enemy's camp; but the People of the United States rose in their sovereign will, produced the political revolution of 1800, and brought back the Constitution to its primitive simplicity. Will you struggle to retain these sleeping sentinels of your liberty, and keep away the People, your real defenders? I desire that the State legislatures should be sentinels, as much as the gentleman from Virginia. They will not be the less vigilant, as sentinels, by the adoption of this amendment; they will be more so. As *organized* bodies, they will have nothing to do directly with the Presidential election. He will not be the President of their making, and they will be impartial judges of his conduct.

But the gentleman, my honorable colleague from New York, (Mr. STORRS) in his zeal to resist all amendments,

alarms the small States, and tells them "they are the favorites of the Constitution." When he calls up his proposed amendment to change the mode of choosing Senators, I shall be ready to discuss it. The small States are favorites, and the amendments propose to leave them so. They will still retain their electoral votes corresponding with their two Senators. The small States will lose nothing by this change. My colleague declares, that the large States can concentrate their electoral vote by a General Ticket, and I know they can, by an Electoral convention, with power, by a plurality of votes, to appoint the Electoral College. If they do concentrate, what do the small States gain by the eventual choice in this House? Nothing; the election would never come here. The large States, and the largest among them, have been surprised *once* into an election by this House. You will not again take them by surprise. If the small States do elect a President, they must carry on his administration. Can any administration succeed, if opposed by a majority of this House—by a majority of the People of these States—by the moral force and intelligence of the People? No, sir; and if the Constitution is not amended, you drive, you oblige the large States to consolidate. If they consolidate in their Electoral Colleges, they will, they must consolidate in their legislation in this House. A large State must do it, to secure her *one* vote in the Presidential election. You have the Constitutional power to regulate the election of Representatives in the several States; but if you should attempt to exercise it, while this amendment is denied, it would be met and resisted. The large States will not again be caught sleeping. The storm has risen, and they will be watchful. They ask nothing unjust, unreasonable, unsafe, or dangerous to the Union. Something like the popular apportionment of power must prevail. Power will be, it must be apportioned reasonably to numbers, intelligence, and moral worth. The moral force of these must be regarded, and will be felt. If you deny the amendments, you force a coalition among the large States. I do not threaten, I deprecate the evil of consolidation, in large States, and coalitions among them. Those who refuse to make these amendments, urge and force upon the Union these evils. A reasonable amendment would avoid them.

In his most conscientious zeal to resist these amendments, my honorable colleague, (Mr. STORRS) has told us that there is, in some States, "a peculiar population," counted in the distribution of political power,

though incapable of exercising it: and he warns these States of the dangers which he discovers in prospect. He thinks they will be endangered, whenever so many of the States shall be without this "peculiar population," that they may propose amendments to the Constitution. Two-thirds of the States may propose, but it requires three-fourths of the States to adopt any amendment. The period which he dreads as dangerous to these States, must then be remote indeed—long, I fear, before three-fourths of these States shall be without this peculiar population. But, sir, will the adoption of this amendment hasten that dreaded event? No, sir. Will the rejection of it retard the event? No, sir. Will the practice of the Constitution, as it now stands, dry up the sources of population in the *free States*, and prevent the increase of their numbers, or the numbers of their People? No, sir. Whether you adopt or reject the amendments, that period will be neither hastened nor protracted.

But, sir, when it does arrive, will it bring danger to the States which have this peculiar population? What does this argument suppose? It is based upon the supposition, that this House is the guardian of the Union, the protector of the citizen, and the friend of justice—and that the *citizens of the free States* are regardless of the rights of citizens, the enemies of justice, and the Union. This is a cruel supposition, wholly unfounded, insulting and injurious to the character of the citizens of the free States. If you reject those amendments, do it on some ground common to all, and not insulting to the free States. For, though you cannot advance this period, yet it is impolitic to raise passions, which might embitter it, when it does come. I ask gentlemen from the States having this peculiar population, to disclaim, as the gentleman from Tennessee, (Mr. MITCHELL,) has done, this objection of my colleague to the amendments proposed by my honorable friend from South Carolina.

The honorable gentleman from Massachusetts, (Mr. EVERETT,) has unburthened his mind upon this subject, where I have never felt a burthen. As the proposition, which he has asserted, may be applied to my children, I will repeat to deny it. I will employ his own words. I know I have them nearly, and I believe entirely correct. He says: "Slavery, domestic slavery, say what men will, is a condition of life as clearly as any other, defensible by religion, morality, and national law, or international law." I deny it. My religion will be found in the example and precepts of the Savior of

the World, including in them the best system of morals ; and my international law on this subject is written in the Declaration of Independence. What a doctrine has the gentleman adopted ! Let not the master lay this proposition to his heart to give it ease. It should be more dreadful to him, than to the slave. It frees none, and may bind all ! The toil-worn slave may not dread it, but it may be pushed to the master himself. Is this doctrine to be the practice of this Coalition Administration, in which the gentleman tells us, it is honorable for any man to serve ? For my country I hope, and will believe not. It is a terrible doctrine. It has enslaved Asia, and depopulated the fairest parts of the earth. Desolation marks its progress. And if *insular* Hayti be odious, is *continental* Barbary less so—where he, who on one side of the Mediterranean is a master, on the other is a slave, doomed to servitude, “where hope never comes that comes to all, but torture without end still urges.”

Having said this, as an answer to the gentleman's proposition, let me add, what I think useful. *Religion, morality, and national law—forbid, not slavery only—forbid, not domestic slavery only—forbid* the citizens of one sovereign State to interfere with, and disturb the domestic concerns of another—*forbid* the neglect of self-reformation, and a hypocritical pretence to reform others, who have never offended. Slavery is an evil—it is a domestic evil ; and must be reformed and removed by the justice and wisdom of the society in which it may be found.

The gentlemen from the South may be well informed as to the best remedy for this evil ; and yet I should be unwilling to have them come into New York to teach us how to dispose of the few that remain to us of this unfortunate race, and I feel as little disposed to travel after these evils. Every society must reform its own abuses ; and if evils are neglected, the society must and will suffer the consequences. I would say to the Virginian, the Carolinian, the Georgian—rely upon your own wisdom, and your own justice ; if you have evils, reform them ; rely upon yourselves. Aids are promised, but never look to “*Rome*” for aids. You are sovereign States—the aids may not arrive in time. In a single day, in a servile war, the tables may be turned ; and, when the aids shall come, you may be stretched on the earth—a *sable* sovereignty may wave its sceptre over your wives and your children, and power may repeat to them, “Slavery, domestic slavery, say what men will, is a condition of

life, as easily, *as any other*, to be defended by morality, religion, national law, or international law."

But my honorable colleague, (Mr. STORRS) and the gentleman from Massachusetts, (Mr. EVERETT) complain that the amendments sought, do not provide for an equal apportionment of political power. If these gentlemen believe that the apportionment of political power established by the Constitution, ought to be changed, I shall be prepared to express my views on the subject when they propose their amendment. As no one makes such a proposal, it seems not desired. The present amendment does not propose to *disturb* the apportionment made by the Constitution to the respective States; it does provide for the *equal and proper distribution* of this power among those by and for whom it is to be exercised. To disturb the apportionment among the States would, probably, defeat the amendment. If carried here, it would be lost in the States. I desire to adopt some amendments, to remedy the evils complained of and severely felt; and the ones under consideration are safe, practicable, easy, right, and generous.

Another argument is urged against the amendments: We are told that they will destroy *State rights*. State rights are dear to me, and I respect them; but, what have they to do with this question, unless, like slavery, they are to be urged into every debate? They cannot be preserved by mere theories, contradicted by practice. I will not contend about rules of construction; while you refute one, another more pernicious is adopted in practice. Let this Government exercise the least power which can effect the constitutional end, of its establishment, and, in nothing affect splendor, and *State rights* will be secure. But, when the powers of this Government are to be extended, what do we hear about State rights? When this Government desire to incorporate a Bank, and the Bank has carried the ramparts of the Constitution; to construct canals; to send a mission to a Congress of Nations; to exercise a guardianship over Indian tribes, within the jurisdiction of the old States—which were independent sovereignties before this Government was in being—do we, then, hear of the sacred rights of the States? On these subjects, and others, where construction is employed to extend the powers of this House, the propositions are not, like these, to be sent to the States for approbation. There, where you are not obliged to consult the States, you might well be jealous of State rights—yet, who defends them? But, sir, when it is proposed to touch the political power of this House,

then, and not till then, are *State rights* endangered. When this House is called upon to give up to the citizens of the States the power of choosing a President, then we are alarmed with the cry of *State rights*. The question is not between *this Government and the States*. No, sir, it is between *this House, holding, and the Citizens of the United States, demanding*, the power to elect the Executive of the Union. If the small States are endangered, will they not discover it and reject the amendments? If the rights of the large States are to be destroyed, will they not foresee it, and secure their rights, by refusing to adopt the amendments? The *States* do not choose a President here; it is this House who elect him. The large States cannot value a right so perfectly worthless. My colleague, (Mr. STORRS) who opposes the amendments, out of regard to State rights, will, I hope, aid us to send the amendments to the States, that they may judge for themselves. The States will take care of their own rights, when the question comes before them.

I must notice the inconsistency of these arguments of my colleague, (Mr. STORRS.) The small States and the save States are to be terrified to oppose the amendments, because they may diminish their power, and give it to the large States; and the free States are told, they should demand more, to excite the eagerness of contest. This may be a good mode to defeat any amendment. I will not be tempted by it, and I trust this House will not. Let us be content with what is practicable. Let us find a remedy for evils which do exist. Why create others?

My colleague (Mr. STORRS) objects to the amendments; that they will not save the minorities; and gentlemen have gone into much mathematical reasoning to prove, that they *will* give the election, against the majority, to the minority. And the honorable gentleman from New York (Mr. STORRS) asserts, that a general district system will, in the same proportion, as the districts are more numerous than the States, produce this effect. Is this so? For, pushing the argument to the extreme, suppose the districts in each State were as numerous as the voters in each State, so that each voter would make a district, and that all the districts in any State were deemed equal to the electoral vote allowed to the State, and a value, in this proportion, should be fixed upon each vote, is it not certain that the aggregate from all the States must, in this manner, express, without sinking or raising majorities or minorities, the true state of the public judgment relative to each candidate? I know that it would; and that a system can, in this way, be formed, which,

without disturbing the present apportionment of political power among the States on this subject, would be mathematically correct, whether the States allowed a greater or less number of their citizens to vote in any district, as all their votes would be equal to the numerical value of the vote of that District. I do not desire so much mathematics in a political constitution; but the remarks are proper to correct the error of those who think, that the increase in the number of districts would make the Constitution worse, instead of better.

But, sir, the present is a district system. Each State, even with a general ticket, is a district; and these districts are entirely unequal in the political power vested in them—in some three, others nine, and others twenty-eight, or thirty-six electoral votes. Hence, the minority in one of these large States, may exceed all the majorities in many of the small ones; and the States are so few, that there is not a reasonable probability that, in practice, there will be a minority in one State lost for a candidate, which will be balanced by a minority lost for another, in some other State. But, if you increase the number of districts to 261, each equal in political power, the strong and reasonable probability is, that, in practice, what will be lost for one candidate, in one district, will be counterbalanced by a corresponding loss for *each* of the other candidates in some other district—making the practice sufficiently correct to express the public judgment.

If we regard not what is probable, but what is possible, I ask, can any mode of conducting the Presidential election be devised, by which a President will be more likely to be elected, by the approbation of fewer of the citizens, than by the present? In the election, so far as it is conducted in the colleges, whatever the system of the State may be, yet that system, and the combined vote of the State, is, in every part of it, conducted on principles subject to every censure which can be applied to any possible district system. Every thing is unequal, and defeats all reasonable probabilities. If the electors are appointed by the voters, (and when by the Legislature, it will be the same: for the appointing power is then elected much in the same manner) either by districts or a general ticket, the college may be the result of the vote of a minority of the State, even in districts where a plurality can elect. In the large States, a general ticket majority is impossible—there would be no election. Out of 137,000 voters in New York, whose opinions have been clearly expressed on this point, not

one thousand believe that a general ticket, with a majority necessary to the choice of an elector, is possible. The general ticket must then be by pluralities; and there may be, not only three, four, or five Presidential candidates, but each of these may have more than one set of candidates for the college; and the college would probably be chosen by a small minority of the State.

When by this mode the election comes to this House, here the case is the same.

Representatives in this House are elected in the States by a plurality of votes. If a general ticket (not common) be adopted, the Representative will be elected by a plurality over two, three, or more candidates. It will be the same, and worse, if he is chosen by a plurality in his district, against several candidates, each having nearly as many votes as himself. He comes here on the votes of the few—"a mere drop in the bucket"—a handful of the moral force and intelligence of his district or State. This House is composed of *two hundred and thirteen* members, and of these, *thirty-two*, so chosen, may elect the President of the United States. Is this a privilege valuable to the small States? If they think so, they will retain it. But the administration they make by this power, must be supported by the force and intelligence of a majority of the People, or it cannot proceed. Can any administration stand, which is opposed, not by force, but by the moral force, numbers, and intelligence of a majority of the citizens of the respective States? No, sir; the privilege of making an administration in this way, where it is almost impossible that it should be the result of the wishes of a majority, is nothing worth, ought not to be prized, and is of little value. To lose it, is to lose nothing. It is as unjust as it is unequal. It disregards the moral force of the virtue, intelligence, and patriotism, of vast numbers, and cannot be sustained.

In my reflections upon the subject of these amendments, I have found, to my entire satisfaction, that the establishment of a system of districts, equal in political power, is necessary for the convenience of the large States, and the safety of the small ones, and is desired. I entreat the attention of the committee, and hope to exhibit the proofs upon this subject, so as to induce, as well the gentleman from Massachusetts (Mr EVERETT) as the committee, to give their support to the amendments.

Without the amendments, you force the large States to *consolidate* in their *electoral power*, and you *drive* them into *coalitions*, to enable the moral force and intelligence

of the People to choose their President. I do not threaten the evil. It will come. Some States, now small in their numbers, will increase. Their fertile and extended territories will, I hope, soon be populous. *They will join the coalition.* Every man, in the least acquainted with the affairs of life, must anticipate these things. It is vain to pretend to deny or conceal them. They are the necessary result of the state of things. The same circumstances will oblige the large States, in the measures necessary to secure their *one* vote in this House, to *consolidate in their representation in Congress.* What will be the consequences? I will not attempt to enumerate the evils I dread; but they will be more terrible than the fancied political *distractions* of New York, so strongly deprecated by my honorable colleague (Mr. STORRS.)

In his opposition to the resolutions, he has alluded to the "political distractions" of New York, rejoiced at the abolition of her Council of Appointment, though he dislikes amending constitutions. He has denounced "the Caucus System" of the State, and represents, as still more odious, the caucus system which will grow up in districts. He denies that the People of that State have given judgment in favor of the District System; and he declares the adoption of that system by that State, while others do not, "AN ACT OF POLITICAL SUICIDE." The history of the State will vindicate her old constitution and her council of appointment, and the abolition of both; will vindicate her parties, her caucus system, her judgment, and her "District System," and will prove the *absolute necessity* of establishing a general system of districts throughout the United States.

Her old Constitution was framed by our ancestors, amidst the perils of the Revolution. It was the child of a caucus, and carried the State safe to independence. The Council of Appointment was wisely intended to secure the due execution of her laws, and to exclude *disaffection*, then existing, from executive offices. It supported the State in its first controversy with England, and, in the hands of a patriot citizen, whose death will long be lamented, it gave strength and security to the Union in the late war. But, when the population of the State had increased to a million five hundred thousand people, and its patronage to more than a million a year, (though the gentleman from Massachusetts, Mr. EVERETT, tells us the President can only appoint our Librarian) then, sir, it became too heavy for the feeble arm of the Council. The Council could not know the character of the

applicants for office. The Governor, Mr. Clinton, recommended the call of a convention. Instantly, the republican party adopted the recommendation, and carried the measure. Then, as now, a contest ensued. I aided in that effort. A convention was called; the Constitution was amended; the Council of Appointment was abolished, and the power of appointment distributed and placed in other hands; the right of suffrage was extended; a new judiciary was provided, better suited to the increasing wants of the State; and a completion of her canals was secured by the Constitution itself. It was approved by the People. This amendment of the Constitution produced in that State, what the successful issue of the late war did in the Union: an over-grown condition of the republican party, and made it too large to remain long united. Her caucus system, so denounced, originated in the Revolution. It framed the Constitution itself, and conducted the State safely through that dreadful struggle. It was then hated by the Tories, and has been complained of by men whose ambition outruns the public judgment in its desires for office.

But, sir, what is this hated Caucus System? The Citizens assemble in their towns, and discuss public measures and public men. They choose their delegates to represent their judgments in their county conventions. Warm from their hands, they express, strongly, the judgments of the People. The county conventions send delegates to those of the Senate districts, and to the State caucuses. If they expressed *less* of the sense of the People, *politicians* might desire them *more*; but no man can be found who will, in these caucuses or out of them, entirely disregard the judgments of the People. They are a most powerful and practical means of expressing the sense of freemen, who will be heard, and will be understood. I see, among my colleagues, a man (Gen. VAN RENSSELAER) of the strictest honor, most undeviating rectitude, and humane liberality. I have seen him most manfully supported, and as manfully opposed, by this caucus system, for the Executive Chair of the State; and I know that his honorable mind would not consent to the aid of improper means. All the great men of the State have been supported by it, not, as my colleague supposes, "wanting principle and seeking bread," but *serving* their country. This caucus system is the instrument of the public judgment, and has been employed in every thing. The public judgment it expressed, made the State, framed the Constitution, amended it, abolished the Council of Appointment, enacted her

laws, established her common schools and school fund, endowed her academies and colleges, and secured the completion of her grand canals. It is the instrument of the public judgment, and that judgment is the life and being of the State, and performs all her acts. Every party in the State has used, and will use it, however it may be denounced here. I know that this instrument will be brought to operate on this very question. One million six hundred thousand People will not be content to see the Presidential election taken from them, and brought here. They will not consent that their force, their intelligence, their political power, shall be reduced to a *single vote* in this House. The powers of this Government must be distributed and exercised among the Citizens of the respective States, in a proportion, something like the moral force of numbers and intelligence. Even my honorable colleague himself, (Mr. STORRS) in his practice, contradicts his theory. He never declined the support of a caucus. I do not blame him for condemning his own acts, but I like his example better than his precept on this subject, and justify myself against his censures by the *acts* of a great man.

I have never, Mr. Chairman, been in a Congressional Caucus, and am not, therefore, bound to defend it. But I desire to compare the *nomination* of a Presidential candidate, by such a caucus, with the *election* of a President by this House. In a caucus, the respective States are represented in proportion to their population, as they are in the Legislation of this Government. The caucus must act openly, publish their names and proceedings, and the whole is subject to the review, the condemnation, or approval of the People. Gentlemen may make promises, and feel hopes; but all is contingent, uncertain, and dependent upon the approbation of the People. The Election in this House is by the delegation from States. The delegation from each State has one vote. The Election is by ballot, and every man may shroud himself in his own secrets; it is final and the People cannot review or defeat it. It is certain, and well calculated for a bargain; and the one or the other of these modes may be preferred, as an opportunity for a secure contract may be deprecated or desired.

Sir, I must here felicitate my honorable friend from South Carolina, (Mr. McDUFFIE.) He speaks kindly of a Caucus, under the name of a Convention, to nominate a Presidential candidate and keep the Election out of this House. It was a Caucus, sir, that nominated Mr. Jefferson—and let us still call it a *Caucus*. The honora-

ble gentleman from Massachusetts, (Mr. EVERETT) also speaks kindly of a Caucus, and truly estimates its moral force. This looks like a return to former practices.— Shall we have two Caucuses—one at the Palacé and one in this Hall? The American People will then come in and decide the controversy.

In 1823, politicians at Washington, if they could not secure, desired to divide the Electoral vote of that State. *This desire* of the “*Informal Conferences*” here, reached the State. The law of the State, vesting the power of appointment in the Legislature, was enacted in 1792, and had been re-enacted and amended, and practised under, for thirty years, by all parties. The vote of the State had been given agreeable to the wishes of a majority, and little discussion had ever taken place—some had, on the most expedient mode of making the appointment of Electors. The population of the State had swelled from 300,000, to more than a million and a half, and the College had increased from six to thirty-six. On the opening of the session of the State Legislature, in 1824, a Representative, (Mr. WHEATON,) of the city of New York, introduced his Electoral bill—a long debate took place, in which, I believe I may safely say, every argument which wisdom or folly could suggest, was advanced and exhausted. The House agreed upon, and sent their bill to the Senate. It was referred, reported on, and debated. They did not pass it.

What did they do? They did not pass a law, vesting in the voters the appointment of Presidential Electors. No, sir, before the People had given any judgment on the subject, while the whole evidence lay confused in contradictory reports, and newspaper paragraphs, they declined to pass the bill, just as my colleague, (Mr. STONAS) after the most solemn judgment of the People of that State, now does, and endeavors to persuade the House and her delegation to do: for reasons of State rights and political expediency refused, as he asks us to refuse, to place the power of electing a President in the hands of the People. I admire the virtue with which he maintains his own present judgment, and nobly disregards that of the State. He denounces the Legislature of the State in 1824, as “*usurpers?*” They declined this act before judgment; and I ask him, whether, since the People have given judgment, his argument may not deserve the epithet of “*usurper?*” I ask it, not to reflect injuriously upon him, but kindly to ask him whether he does not desire us to do, after the People have given judgment in its favor, the very thing for the doing

of which, before that judgment, he denounces others as *usurpers*? He surely does.

My honorable colleague, (Mr. STORRS) exulted at the imaginary destruction of the New York Caucus system. Sir, it is not destroyed. The Legislative Caucus of 1824, nominated a Governor and Lieutenant Governor, and adjourned in April. From that day forth, the Electoral law, (a majority, general ticket bill, for which less than one thousand of the one hundred and thirty-seven thousand voters of the State have voted,) the Electoral law was pushed, debated, and discussed, until, in September, a mighty State Caucus, under the name of a Convention, met at Utica—speeches were made—reporters were employed—the Electoral law was again discussed. The Caucus nominated candidates for Governor and Lieutenant Governor. Then it was, that politicians, (and there will be some such in a society so numerous as ours) changed their politics “more frequently than a decent man does his shirt.” The constituents of my colleague, (Mr. STORRS) were, many of them, friendly to the advancement of the present incumbent, and being a manufacturing district, many of them strongly favored the claims of the Secretary of State. I opposed the Utica Caucus, by the aid of which, my honorable colleague from New York, (Mr. STORRS) secured his election; but my honorable friend from the city of New York, (Mr. CAMBRELENG) was not a candidate favored by this caucus. He was supported by a Caucus of different politics—neither is destroyed. It was Caucus against Caucus—Greek against Greek.

Yes, sir, there was a revolution in the State. The “informal conference system” here, found the electoral vote of that State, not where it now is, safe in the districts. That system aided in that revolution. Go back ten years. If this revolution had taken place in 1814, it would have shaken this Union to its centre. A few days since, a gentleman from Tennessee (Mr. HOUTSON) called us back to that eventful period in our history. If this sudden revolution, at which my colleague (Mr. STORRS) rejoices, had then taken place, who would have saved you? You would have been saved; the Senate of the State stood firm, and, aided by their caucus system, Republicans and American Federalists would have defended the Republic.

I have mentioned these things to shew you, sir, that the district system was well understood and well considered, by the People of that State. A season of tranquillity, favorable to a correct judgment, not an apathy of

the public mind, ensued. At the January session of the State Legislature, 1825, the Governor recommended the general ticket system. The patriots, returned by that election, which gave my colleague (Mr. STORRS) his seat, after debate and deliberation, excepting only some *seventeen* or eighteen out of one hundred and twenty-eight, passed the district bill which I have before stated, agreeing with the judgment of the Senate. Is this no judgment on the subject?

But, sir, if the whole representation of the State should concur with my colleague, (Mr. STORRS) and declare that the adoption of that system by the State, while other States do not adopt it, is "an act of political suicide:" the question would still recur to every honorable member of the committee, What has the People of the State adjudged on this subject? The opinion of her thirty-four Representatives here, if it contradicted her own, would weigh nothing in the judgment of the House. You see under what circumstances she formed and matured her judgment. The Question Law of that State had been passed, in the November session, 1824. A subsequent law had secured to the People the district system. Those who desired a change would be eager to vote; but those who did not, considered the system "by districts," established by law, and what have they said in November, 1825?

On this part of the subject, I thought the gentleman (Mr. STORRS) as erroneous in his facts, as he was unhappy in his conclusions. He stated that there were about three hundred thousand voters in the State returned by the census. Why look to the census for the number of voters to determine this question? In the contested election of 1824, less than two hundred thousand votes were taken—I speak from recollection—I think the number about 196,000—and it was less than 200,000.

My honorable colleague (Mr. STORRS) stated that the whole number of votes given in favor of the district system was about 47,000; (I took down his *numbers*,) that the votes given for the general ticket were 43,000; making the whole number given, ninety thousand, and the majority for districts, four thousand. In the State paper, the Albany Argus of December 13, 1825, is an official copy of the canvass. The whole number of votes taken on this question was not ninety, but *one hundred and thirty-seven thousand eight hundred and forty*. In making the canvass, every vote and every return in which there is an error, even of a letter, are rejected. Of these votes by the canvass, it is stated, that there

were "by districts" 66,324. "By general ticket majority," 941; "by general ticket plurality," 56,801. Giving to the district system over both general tickets, a majority, not of four thousand, but of eight thousand five hundred and eighty-two. Is this no judgment? And if the canvass be corrected, by adding to those allowed only such as are most evidently intended for the district system, having "District" written upon them, and giving all others to the general ticket, however intended—and there was a majority in favor of the district system of 14,336 votes out of 137,840, being a proportion greater than was ever given on any question in the State—Is this no judgment?

I have expressed my approbation of the independence with which the gentleman from New York (Mr. STORRS) asserts his own conscientious judgment on this subject. As the resolutions are not definitive of the question; as the resolutions, when approved by this House, are only a proposal to amend, and not an amendment; as his objections lie mostly to the rights of the States; I will ask my colleague to give us his aid in proposing them to those whose rights he desires to preserve. A large majority of his constituents, men active and intelligent, desire the district system. That majority is more than four thousand of them. Will he not allow something for their deliberate and respectable judgment, and aid us with his vote, to propose an amendment to the States, that his constituents may have an opportunity of being heard by the respective States? How could I return to mine—to the men who gave me my political being—a majority of more than a thousand of whom concur in supporting the district system, if I felt myself obliged to forego their wants, their necessities, and their opinions? I say it kindly, I will yet hope for his aid.

I have made these remarks to shew the judgment of New York in favor of the district system, for herself, even while other States do not adopt it. On the question of a general district system, uniform throughout the United States, there never has been but one opinion in the State, and that in favor of the system. On this question, the majority in that State is almost ENTIRE AND TOTAL. In all the debates, newspapers, handbills, public speeches, and private conversations, had upon the subject of the electoral vote. ALL, ALL,—as well those who were in favor of the district system for the State, while others do not adopt it, as those in favor of the general ticket, while the United States are not restricted,—ALL call for a uniform district system. I ap-

peal to my colleagues. There never has been any thing in any *two*, and, I believe, there never has been any thing said or done in any *one* district of the State, implying a dislike, or even a doubt, on this question. In the late contest, it was the decided opinion of all her Governors and all her public officers. Among the citizens, it was said, on the one side, "if you district the State, while others do not, you take away the inducement to the United States for establishing a uniform district system in the several States;" on the other, it was said, "let us do right; the district system is best, is safest for all; let us adopt it, and incline, by our example, rather than threaten by our attitude." New York is just and generous in this course. She desires that the electoral vote may be placed where it shall be safe and useful to all, in the hands of the People in districts. She feels that this is necessary for the safety of all.

Mr. Chairman, if the Committee will follow me through my remarks, I will shew that New York is not mistaken in her judgment on this subject. She has good reasons for it; and these will be felt in many other States before their population shall equal our numbers. I hope the large States, with a fertile soil and happy climate, will soon be peopled; and then, sir, they must *feel* that these amendments are necessary.

That State, sir, from the East end of Long Island, through the cities of New York and Albany, to her Western bounds, is more than six hundred miles long: she has, under her new Constitution, two or three hundred thousand voters. She has fifty-five counties, divided into thirty-one Congressional districts, and more than six hundred towns, and upwards of a million and a half of People. If, then, in the Presidential election, there are four or five candidates, for each of these there must, with the general ticket, be a ticket of thirty-six electors. To make these tickets, there must be four town meetings in each of these six hundred towns, four county conventions in each of these fifty-five counties, four great State conventions, of about one hundred and twenty-eight delegates, each to meet in the same, or a different city, about the same time. What immense masses of political power! Once in motion, can they be staid or directed, even by the mighty strength of the People? I know what it is. It is easy to say the State can employ a general ticket; but is it so? Who will make up these grand county and State nominating caucuses? None but the most wealthy. The election must be given up to the rich. The industrious,—the farmer, mechanic,

and laborer,—will not, cannot, engage in these expensive political operations. The whole must be done by *gentlemen*. But I had rather trust the farmer, mechanic, and laborer, in these matters, relating to men and measures. I like them, and they are worthy to be trusted. And when these great conventions meet, the delegates cannot well know the character of the electoral candidates, and the convention may be imposed upon; and, knowing that the voter can know very few, and very little of the electoral candidates, (who are not like Presidential candidates and Governor,) the convention may impose upon the voter, who, from these circumstances, cannot discover, detect, and punish, the imposition, as he would do if attempted in a district. When a voter goes to the polls, he is presented with three or four tickets, having on each thirty-six names, three fourths of whom are perfectly unknown to him. He has placed in his hands newspapers and handbills, with cards and resolutions, all regularly signed, charging this and that name on the several tickets, with treachery, underhand dealing, double plots, and stratagems; and when he looks round, he can find no man that can give him the least information to aid his judgment. Such is the general ticket system in a large State.

I know the citizens of New York. If intelligence and habit can make men skilful in the management of elections, or other public affairs, the citizens of that State are as adroit as any in the Union. They are no novices in elections; and a majority of more than fourteen thousand of its voters, nay, all of them, ask the establishment of a general district system. Will gentlemen refuse, until these evils and this necessity shall reach their respective States? Are they not inevitable, if you prosper?

I ask, then, what would be the condition of others, if you divide the United States into seven districts? New York shall be one, and let us try the general ticket in each. She will be six hundred miles long; her territory, actually occupied, will be as large as the occupied territory in any of these great districts; her representation in this House is thirty-four, her college thirty-six, her voters two or three hundred thousand, and her People 1,616,453. The whole of the New England States will make a district, more convenient, in many respects, and but little more populous. Take any four of the States East of the Hudson, including Maine, and the territory inhabited will be less, the population less, and the college less. I ask the gentlemen from

these four States, whether they will consent to be placed in one district with a general ticket? If they will not—and I know they will not—I ask whether it is just to hold New York in her present situation, and to offer her that ticket? Will not the gentleman from Massachusetts, (Mr. EVERETT) find, in our situation, some reason for an amendment? Take the country North of the Ohio River—the States of Ohio, Indiana, Illinois, and Missouri—the two extremes will be more distant, the occupied territory less, and the vote and population about one-half as great as New York. Will the gentlemen from these States consent to unite them into one district, with a general ticket? If they will not, will they hold New York to the impracticable difficulty of a general ticket system? Take the country South of that river—Kentucky, Tennessee, Alabama, Mississippi, and Louisiana—in which a peculiar population renders the voters less numerous and the election more manageable than in New York. The voters and the college will be much less numerous—about 13-17ths of New York—Will they attempt a general ticket for all? No, sir. And where, then, is the justice of telling New York to try a general ticket, which you, yourselves, dare not attempt? Come round to the South, and Georgia and the two Carolinas will form a district about equal to New York, in the college. The qualifications limiting the voters, make them less numerous than ours, and the state of their society affords them leisure and opportunity. But will they consent to try a general ticket for all? No, sir. Even they will decline the dangerous offer, and leave New York to struggle. Will the gentlemen from Virginia, Maryland, and Delaware, consent to form one district, with a general ticket? If they will not, with what justice can they refuse to support the amendments? Yes, sir, Pennsylvania counts her strong majority, but will she always have it? Will Pennsylvania, New Jersey, and Delaware, form one district, with a general ticket? It would resemble New York in almost every thing. But what becomes of their electoral votes? Can New Jersey and the cities on the Delaware do nothing to defeat the scattered votes of the distant counties? Will none of these consent to try a general ticket? Why then tell New York that no amendment is necessary for the Union? Are one-seventh of the Union to be left struggling with these difficulties, till the mischief reaches your States?

Our population is as much divided in one part of the State from that in another, as are the citizens of the States I have grouped together. Our traders, indeed, meet in the City of New York, but our farmers, mechanics, and manufacturers, reside in their towns and villages, and have no acquaintance with distant parts of the State. They are not led over the State in the course of their business; and though I respect these traders, yet I cannot consent, and hope gentlemen will not be disposed to vest the Presidential election wholly in them.

The gentleman from Connecticut, (Mr. INGERSOLL) consoles me with the hope, that our population will become more "*assimilated*," and I reply that the voters and population are rapidly increasing, and what shall be our numbers at the next Presidential election? When he reminds me that our means of intercommunication are improving, I answer, that our occupied territory is extending over vast tracts of new uncultivated lands. The Constitution must be amended. Will you defer it till these evils come to your own doors? I advise you to consent before these necessities oblige the State to consolidate her power in the election and legislation of the Republic. She asks it now. Is it just to refuse? Does she not suffer severely under the present Constitution? Her offer, on this subject, is generous and just. Will the other States refuse?

I insist, sir, that the amendments proposed are necessary to keep the election out of Congress, and to save from total ruin the CHARACTER of the House of Representatives.

When, in 1801, the election came here, amendments were proposed and adopted, to prevent the recurrence of the event upon an equality of votes between two candidates. Since then, this difficulty could not occur; and we have had but two opposing candidates till the last Presidential Election. The race of Revolutionary Patriots are gone—and, as has been justly remarked, we shall have "*Richmonds enough*." All seem to concur, that hereafter we shall have three, four, or five candidates. If the "*informal conference system*" be continued—if no caucus to concentrate and express, (not create and control,) the public judgment, shall be adopted; no election will occur, without four or five candidates. In every such case, the election will, in all probability, come into the House. Yet the gentleman from Connecticut (Mr. INGERSOLL) tells us the Constitution has succeeded completely in this particular provision of it. For third

ty years the colleges decided the election. But if, as seems admitted by all, each succeeding election, like the past, must be made by this House, then I affirm that the Constitution *has wholly failed*, and the amendment of 1803 is *entirely* defeated. The People are thrown out of the election whenever it is brought repeatedly into this House, and it will produce the most serious evils both in and out of doors.

The gentleman from Virginia, (Mr. STEVENSON) insists that the House is pure, but he admits that it has passions which the election excites or embitters. I do not know, sir, what gentlemen mean when they say the House is pure; and they have not informed us exactly what they mean by this supposed corruption, which is denied. Without attempting to be more explicit—without alleging that gross corruption, which labors for immediate gain, or denying its existence—let me say, that when it is admitted that the House has passions, gentlemen admit all I ask. If these passions are awakened by the recurrence of the election here, and produce an injurious effect upon our legislation, I must deprecate them; they not only injure our constituents, but disgrace us; make us guilty, not of gross corruption, but of injustice. Can an honorable mind desire a better reason for removing the election?

The gentleman from Massachusetts (Mr. EVERETT) carries his opinions still farther, and tells us, the House is not only not corrupt, but *incorruptible*. I had hoped that the House was not corrupt, but I cannot dispute with the man who asserts that it is incorruptible, any more than I could with one who denies his own existence. In support of his position, that gentleman has made a proposal to my honorable friend from South Carolina, (Mr. McDUFFIE.) Let him make it to me. He says, the thirty million claim, for French spoliations, is most righteous, and that he would pile up millions in the area before the Speaker's chair, and that those who will support it with their votes, may load themselves with it till they are *unable* to stagger away. Take away this last unhappy condition. Let it be *suspected* that he has the warrant to *give* this money, or that I am disposed to accept it, and in an instant we are both infamous—the House must proceed to impeach and expel us. Yes, sir, if the People should *suspect*, not believe, but *suspect*, that the owners of this "righteous thirty million claim" offer ten millions for the votes of members—if the claim, however just, shall be allowed, nothing can ever wipe away the infamy of the House. The gentleman said he

did but "*jest*" I thought so too—but the jest was the more cruel, as the fact, without which it proves nothing, had no existence. But, sir, if such a case should occur, it would destroy the House; no man, whether he received any thing or not—no man, if it were only possible that it might have been taken, who should vote for the claim—would ever again hold a seat here after the next election, whatever might be his private worth.

But my honorable colleague from New York (Mr. STORRS) finds other arguments to oppose these amendments. He says, "if this House is so corrupt, why ask it to amend;" and he warns the House "*not to record its own infamy*," by adopting the amendments. When I heard this argument, I thought it a *ministerial* story.—Every man, in the least acquainted with British history, must have read it in the Parliamentary debates. It has been introduced here at least one hundred years too soon. There the member purchases his Borough, and the minister buys his members. When a reform is moved in Parliament, it is declared that corruption stalks about; but the *creatures* of the ministers—the gentlemen from the treasury bench—rise in their places, and, looking round at their borough-mongers, here and there in every part of the House, inquire, "Will you admit your guilt? be cautious how you record your own infamy." Though corruption is admitted, yet reform is denied. I hope that the morals of this House are not so corrupted, as this species of argument supposes. If the House can be influenced by such an argument, there is an end to all amendment, in every thing which relates to its powers—and an expression, applied to another body, should be applied to you: "*THE AWFUL and ONCE RESPECTED Commons of Great Britain*." If the argument of my colleague can be applied to the House, the amendments ought to be carried, for that very reason, as it supposes corruption which it might be infamous to record. If there is infamy which might be recorded, the election should be taken from the House. But his whole argument is out of the record. If the past conduct of the House, as I hope, has been innocent, the record leaves it so; and, if there has been guilt, the amendments record nothing.

Another argument of my colleague is, that we have a security against corruption in the oath of a member. I admit that an oath acknowledges, and sometimes creates an obligation. The charge of corruption has not been made by the gentleman from South Carolina. I understood him to allege, not the existence of that

corruption, which an oath can reach, but that the coming of the election here influences the member, and that his judgment may be seduced to support a candidate, by his wishes for some lucrative or honorable office. Why not impeach the member? says my colleague. Who ever heard of an indictment against a grand juror, for an act done upon the inquest? Here, the vote is by ballot. How could a member be impeached for such a vote? An impeachment can never reach such a case of corruption.

Another source of security pointed out by my colleague, (Mr. STORRS) in his conscientious zeal to resist innovation, is *the responsibility of the member* to his constituents. If the member is honest, makes no bargain, and gives his vote according to conscience and duty, he must indeed return to his constituents, and meet them. Though innocent, he may be censured and punished. But, if he makes his bargain—if he is corrupt—if he secures his reward—if he is guilty—he enriches himself; pockets his reward; and “*retires infamous and contented.*” Or, he employs the patronage of his new situation, secured by his corruption, to purchase friends and popularity, and realizes the character described by the poet: “Man smiles in ruin, glories in his guilt, and infamy stands candidate for praise.”

If he is innocent, he may suffer—if he is guilty, he must be as great a fool as he is a knave, to return to those whom he has insulted and betrayed. He will not return to them; and, if he does, he will be too debased to be responsible.

But, sir, the question is not whether the House was innocent or guilty in the last election. No accusation has been made to raise such a question; and to deny or affirm either is entirely out of the question in dispute. That question cannot be asked—it is vain to propose it. What could the House reply? Not its own innocence or its own guilt. It cannot confess or deny; either would excite public ridicule. The question is, what was the effect of the election on the character of the House? Did it injure the character of the House, not in the opinion of honorable gentlemen here, but in the esteem of the American People?

Whenever, sir, it is seen that the election will, in all probability, come into the House, then every thing which belongs to the election attaches to the character of the House. The People consider the election as belonging to the House, as the creature of the House. The character of the candidates, the cards, libels, pamphlets,

attacks. every thing, dignified or disgraceful, odious or contemptible ; all that belongs to the election, is deemed the creature of the House, and characteristic of it. The People judge of the election and the conduct of the House, with less reserve, but not less justice, than the members judge themselves. We, perhaps, are a little too polite and kind towards each other, to suspect dishonor or dishonesty. The People are more plain ; nor are they entirely mistaken. They make allowances for circumstances, and they judge of us with plain sincerity. While we count so largely on that side of their good sense which favors us, it may be well to read what is written on the other side. If their good sense is a warrant to favor our exemption from reproach, we must consult both sides of their opinion, and perhaps may find a judgment of condemnation. When they see that the election is likely to come here, and that the House and its members do nothing to prevent it, they may think it desired, and every thing good or evil in its progress, is, in some degree, attached, in their judgment, to the character of the House. Was the last election conducted fairly ? I hope so. And yet what reproaches, suspicions, and abuses, has every man been obliged with pain to hear ? Will you have more respectable candidates ? Who were they ? The one a Secretary of the Treasury, another the Secretary of State, another the Secretary of War, another an honorable Senator from the State of Tennessee, and another the SPEAKER of this House : all these were in daily intercourse with the members of this House. How many opportunities for *bargains, contracts, promises, and undertakings* ; and all constantly acted upon by those reciprocities which influence affection, mould the will, and incline the conduct of men. It will be with others as it was with them. Your Presidential candidates will not be retired and private men, but public men, daily acting with you. The opportunities for corruption will exist. You must attribute the suspicions to the circumstances in which you are placed. You must change the circumstances ; while these exist, you never can change the opinions of men. I ask you to remember all the shoe-black and polish of character—all the ink and pamphlets of the late election—all the electioneering, the reports and rumors, circulated to your injury. They were all considered as a part of the election in Congress. Whenever it is seen that the election will come here, *the members* are considered *as managers*, and the election as the business of this House. I am too much ex-

hausted, but I had intended to draw from the minds of the People a true picture of the House, stamped there by the last election—of so many things strange, ridiculous, and dangerous—and which had a most unhappy influence on the character of the House. You may say that all these impressions were false and unjust. You may allege that the People are mistaken. They will cling to their opinion of you, while you cling to this power; and rely upon it, sir, that when the character of this House once becomes odious and suspected, in the minds of the People, it will not be long before the House will deserve the *bad* character imputed to it. When your character once becomes bad, you soon will be corrupt. Every return of the election will renew and strengthen the impression on the public mind, that the House is corrupt, and not many elections will take place in it, before these suspicions will be realized. Whatever follows in the train of the elections, of coalitions, and intrigues, will hang on the skirts of the House. A seat will become odious and the member disreputable. These consequences are inevitable, and cannot be avoided but by separating the House from the temptation. I ask, sir, if the last Congress, who saw the conduct of the last election, did not desire that this part of the Constitution should be changed? I believe they did; I have heard many of its members expressly say so, and I have never yet found any man who would say that he desired the election should come here. I would infer, then, that *none* wish it. Their only argument is, that it is necessary, and cannot be avoided. The amendments proposed will avoid it. Let us then adopt them, and dispense with this unhappy blessing, of a power which has injured, will disgrace, and will corrupt the House.

Repeat the election in this House, and I ask, will you have more respectable candidates, a purer House, or less disgraceful squabbles? Repeat the election, and what will take place, and what will be said? We have once made a President in this House. If he should be again returned here, as one of the three candidates, I ask if he could, by possibility, be re-elected here? I answer, that he could not. Re-elect the very man to whom you had given all power and patronage, and the public judgment would crush the House. So sensible were the friends of Mr. Jefferson of this, that, after the contest between him and Mr. Burr, they amended the Constitution. Did they not know that he never could be re-elected by the House? Repeat the election, and what will be said? If, early in the contest, the member

openly and frankly avows his preference, and steadily adheres to it, he will be censured only by his opponents, which, if it does not always render him a service, does not always injure him. But, sir, if he loses his first choice, if he is in doubt, and perplexed, (and I don't see why he may not be, though there is some difficulty in supposing it to be a hard matter to settle a preference between three men) if he changes sides in the progress of the contest, he will be *suspected*, strongly suspected, and perhaps abused, or severely censured. But, if he comes over late, if he conceals his opinions, (and why may he not?) till a late day, when, from the declared opinion of others, the value of his vote may be seen, and its worth prized; if he comes out on the last day, or then changes sides; he will be believed to be guilty. No purity of private life, no past patriotic sacrifices, no future public services, can wipe out the reproach. I care nothing about the kind judgments of gentlemen here. What will be the public judgments abroad—beyond these walls? Can I doubt, from what I have heard, that the same judgments will be repeated and declared? If the member accepts an appointment, the Executive seal will be the *seal of infamy*. If the Executive “appoints his friends, he *pays*—if his opponents, he *buys*.” Yes, sir, it is so—it will be so. Reverse this judgment who will, the People will establish it, will assert it, will maintain it, while the election is held from them and dragged hither. Nor should gentlemen expect to find a remedy by declaring the member ineligible to Executive favor for a limited period. Such an amendment, if adopted, unless it can be supported by arguments I have never heard, will not reach one hundredth part of the evil. To exclude the member, does not exclude his father, brother, sons, relatives, and dependants. How will you know and exclude these for whom he may serve in giving his vote? On these subjects, let gentlemen believe as they will, I ask them to go into their districts, among their friends and constituents, and see if they can find a single man who believes that the House is safe, if the election shall be continued here. They can find no such man. The only remedy is, in practice, to take the election from Congress. Then, and never till then, will this House be respected.

Another argument, Mr. Chairman, which I feel it my duty to urge upon the consideration of the committee, in favor of the amendments, is, that the People desire to dispense with the electoral colleges, and to give their

vote, in some way, direct for President and Vice President. Whatever may be the fate of every other amendment, whether any other shall or shall not be adopted, I assert, that the People do desire to vote direct, and to dispense with the electoral colleges.

On all hands, these colleges are admitted to be useless. No man has or can utter an argument for their continuance. All allow them to be perfectly useless: but all cannot assert that they are perfectly harmless. Why, then, should they be retained, as a useless part of the system? Is it desired to employ them in political juggling? In the contests which will ensue, they will be employed on all sides; but the People of the respective States will gain nothing by them. Why, then, oblige the public judgment to sue out a license, and pass through the pipe of an electoral college? The Presidential electors must be numerous, and generally retired and obscure men, unknown to the voters. The public may mistake their true character, and the elector may, and will sometimes, mistake, and sometimes misrepresent the judgment of the People. Compared with the electoral ticket, in most of the States, the Presidential candidates will be few, and, from their situation, well known, and their character every where understood. It will, therefore, be easier, as well as more safe, for the voter to give his vote direct for the President, than to give it indirectly for the electors, who are to compose the college.

But the gentleman from Massachusetts (Mr. EVERETT) objects to this, and asks, why we do not propose also to have the Justices of the Supreme Court elected by the People? Let him, if he thinks it desirable, propose his amendment. Until some one proposes such an amendment, it may be fairly supposed that it is not desired. And when it shall be made, it will probably be found that the People do not ask to elect Judges, who, from their occupations, and previous situation at the bar, or on a State bench, can scarcely be supposed to be known three hundred miles from where they reside, and too obscure to be known to the People of the distant States. The Judges to be elected might be very numerous, and the candidates still more so—ten, twenty, forty candidates. Your Presidential candidates will not be so numerous, and any one, for whom the People would vote, must be known, by his past services, to every part of the Union. And if you do not give what the People do not ask—the choice of Judges—can it be a reason for with-

holding from them what they do demand—the power of electing a President?

Yes, sir, the good sense, the intelligence, of the People have been highly celebrated in these debates; and yet, what does the gentleman from Massachusetts, (Mr. EVERETT) by his “Eve,” suppose? That gentleman referred to her story as applicable to this subject. I was agreeably surprised to hear her frailties cited as an authority in a debate on Constitutions. I had supposed the old Lady disposed of; yet her walks in Paradise are traced. But what does the gentleman’s version of her case suppose? What does his remarks upon her misfortunes imply? They suppose, they imply, that this *House* and the *electoral colleges* are safe, are pure, are incorruptible; that these are the guardians and supports of the People; that, like Eve, the People are safe when they are supported, and protected, and defended by the guardian power of the electoral college; that, like her, seduced and ruined when she presumptuously left her guardian; the PEOPLE, when they quit this system of “delegated power,” and act for themselves, will, *weak* or *wicked*, be seduced and ruined. Yes, sir, he says Eve was safe, while she adhered to her natural guardian—he says, the People are safe, while they rely upon their natural guardian—delegated power; but, if they venture to quit the colleges, their natural protector, then, the eloquence of my friend from South Carolina, (Mr. McDUFFIE,) shall find them, rouse them to madness, and move them to riot, sedition, and tumult! Can the eloquence of my honorable friend rouse ten millions of the People to madness? Sir, the People *will* judge for themselves, and their judgments must be executed.—They can not be moved by the gentleman from South Carolina, nor seduced by the Syren voice of the gentleman from Massachusetts. They *will* judge—*coolly, deliberately, and wisely*—they *will* judge. Can the People be roused and seduced? And are the electoral colleges a bar against the eloquence of my friend from South Carolina? If the election is sent to the People—the People, unsupported by the colleges—will it be unsafe? The gentleman’s argument takes it for granted, and rests upon this supposition. I know that he cannot desire to push it so far; yet, he must take its whole length, or abandon his “Eve,” and “delegated power” together. He tells us, that delegated power is a new discovery in political science. I think not. It exists as perfect in a Despotism, as in any other form of Government. In a perfect despotism ALL power is delegated. The ancient Re-

publics were not destroyed because they did not delegate power. The liberty of the Athenian People was not destroyed because they attended to their own affairs and managed their own Government. My recollections, of what was said by those whose speeches were the funeral oration of Grecian freedom, differs from that of my friend from Massachusetts. The Athenians lost their liberty, because they *delegated all power to their Generals*, and themselves took no concern about it, but became content with a wretched participation in the *public games*.

But, whatever may have been the cause of the ruin of the Athenians, it can have no just application to the American People:—occupied, as they are, in all the concerns of civilized life, scattered over an immense territory, cultivating the soil, possessed of riches, busy with industry, and blessed with intelligence, I have no fears of them. The gentleman from South Carolina cannot **MOVE THEM**. If any part of our Government be pure, be incorruptible, I assert, that it is the People. If any body of men, under the Constitution, be above suspicion, and beyond the reach of corruption, it is the voters in the respective States. No patronage can cover their numbers; no political industry can find or count them. There I wish to see the election go—there let it be deposited. They are as incorruptible as any thing in this life can be; there it will be safe.

The gentleman from Massachusetts, (Mr. EVERETT) reminds us of the French Electoral Colleges. I do not see how they can be pressed into the argument to support the retaining of ours, and I thank him for the hint. Yes, sir, in France, if an election could, in any way, be disposed of directly by the People, they would return Deputies hostile to prerogative and favorable to liberty. To prevent this—to secure every thing to the crown—electoral colleges are devised; the People can return no one—the candidates must pass through the electoral colleges. If the court fail in obtaining their creature in the primary election, the patronage of the King can secure him in the electoral college. Such is the practice. If we desire that ours should be employed to produce a like effect, it may be an argument to retain them. I wish for that reason to destroy them.

Sir, I do say, that the People desire to dispense with the colleges, and to give their vote direct. They ask to vote for President and Vice President. Will we deny them their request? They gave us our political power, our political being, and shall we impiously say to them,

"Did I request thee, Maker, from my clay to mould me man?" We are their trustees; the power we have, they gave us in trust. The dignity, the intelligence, the moral character of the House, is not our own, but theirs—it is derived from the People. Without the dignity they confer, the judgments of the House would become insignificant; the 213 gentlemen who compose it, on a question of learning, would not be the equal of some of our literary institutions; on a question of trade, would be weighed down by a Chamber of Commerce; and the mechanics of a city would certainly be much better authority on a question relating to the Arts. Our character for wisdom, is derived from their institutions, their intelligence, their approbation: the whole moral force of our character, which gives force or dignity to our deliberations and judgments, we derive from them. Can we then deny them this power, if they judge it best to ask for it? Can we tell them, that my friend from South Carolina will find them with this power, and by his eloquence, seduce them to their own ruin? Shall we insult them, by saying, that political demagogues will rouse them to madness and riot? that they are intelligent and patriotic, but can not be trusted?

But, some gentlemen, several—I can not at this moment specify them—declare, that the People do not desire this change; and, in proof of this assertion, they say, the several States can, but do not, propose the call of a Convention. I know they can, but ought they to do it? I ask, whether it is wise or prudent, when a great proportion of the People of the States ask for any particular amendment, to refuse it, until, in one State, for one reason; in another, for another reason; in New York and Tennessee for this amendment of the Constitution; in Massachusetts, to restrain your power as to Militia officers; in the West, for relief against your Judicial Executions; in other States for other purposes; till discontent shall unite two-thirds of the States, in a common call, for a Convention to propose amendments to the Constitution? Is it prudent to wait for such a call? When it does come, you cannot deliberate, you cannot decide whether to grant or to refuse it. You *must register the decree*; the call *must* be obeyed. When such a Convention meets, the whole Constitution is afloat, every part of it may be amended. You cannot restrain the power of the Convention, or tie up its hands to this or that part of the compact. The States—the Convention—would laugh at such an effort to limit them. Do gentlemen desire such a Convention? If they do, let

them refuse this and every other necessary amendment, until evils shall reach and press hard upon two-thirds of the States—and they may yet live to hear the *call*. The evils accumulated by our negligence and our obstinacy will be great, and the call will be terrible.

But do the People of the respective States wish the amendment—to dispense with the colleges, and vote direct for the Executive of the Union? This is a question of fact, which every gentleman must answer for himself. Will any man say that he has ever heard a citizen say he did not desire it? Every member knows his own constituents—can speak for them—and must do it by his vote on the proposed amendments. All other amendments out of the question, whether any other shall or shall not be made—Do your constituents desire to give a direct vote for President? I put the question to gentlemen who oppose—to the gentleman from Connecticut, (Mr. INGERSOLL,) Do yours wish it? To the gentleman from Massachusetts, (Mr. EVERETT,) Do yours wish it? To the gentleman from Rhode Island, (Mr. PEARCE,) Do not yours solicit this privilege? I ask it of other gentlemen, Do not yours desire this amendment? All others out of the question, I ask the delegation from Ohio, (the Legislature seem to have said something adverse to my supposition,)—but you know your own constituents—Do they not anxiously wish that these useless *Colleges* may be removed, and that they may be permitted to do, as they have a moral right to do, to give their votes directly? I ask the question, and, sir, gentlemen must answer. For my own constituents, I affirm that they do desire it. In the State from which I come, making a seventh of the whole People of the United States—in the Legislature—in the public proceedings—at the Courts of Justice—in all places—I have heard their opinions on this question. Of the thousands whose judgments I have heard expressed, I never heard a single man express a desire to retain the colleges. In the district of my colleague, (Mr. STORRS) who opposes all amendment, I am acquainted, and know that his constituents, and my own, most ardently wish to vote direct for President. My colleagues are about me, and can contradict me if I err. I assert that the whole People of New York, whether any other amendment does or does not prevail, call for the amendments which shall enable the voter to vote direct: and from the general judgment of that State, and every thing I have ever seen or heard of the People of the United States, I express my firm belief that the People every where ask it.

Will then the friends of this new Administration—chosen by Congress, not by the People in their colleges—will they re-

fruse the universal wish of the People ? If they do, can they hope or expect to sustain the Administration against the general judgment which must follow the refusal ? To gentlemen who, from a sense of duty to the country, oppose the Administration, I put the question—Can you, without patronage, without the power of conferring offices and honors—if you, by your votes, oppose the just wishes of the People in this instance—Can you hope to oppose successfully this Administration ? It is only by the support you shall give to their judgments and their rights, that success can be deserved, or secured. To all I put the question—Shall it be said, the House of Representatives have got the power to elect the President, and they *will* keep it ? By our vote on these amendments, shall we place the *will* of this House against, and the judgment of the People for, the amendments ?

Sir, do the People of the States require this amendment, and as a means to attain it, ask the system of districts equal in political power ? I think they do ; it can scarcely be attained without the districts. They ask the amendments—Shall we refuse, and tell them all that has been urged here against the vote by the People and the district system ? What will they reply ? We made you, and can unmake you. We tell them they are patriotic, intelligent, and worthy of all confidence ; but the vote by the People and the district system will injure State rights—what will they reply ? “ We are the States, their rights are ours ; send the amendments to the States, and we will judge then of our own rights.” Yes, sir, let them judge what is fit, safe, and proper for themselves. They know, and will secure their rights, if they can once tear them from your grasp. Whatever excuse we may attempt to make for clinging, as power always will, to this power of electing a President, it will recoil upon us. The People will believe that we are partial, corrupt judges, who judge in our own favor. If we refuse, they will justly charge us with the crime of withholding this power from those who gave it ; and for no good purpose. They will look upon us, and justly, as *unfaithful Guardians*, who watch the property of their wards, to squander it ; and illegally retain it in their hands, to apply it to their own corrupt purposes ; to pervert and abuse it. Let this not be said of *us* ; Let us surrender a power which will corrupt us, and give it to the People, in their districts, where it will be safe forever.